

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

JAN 19 2016

Clerk, U.S. District Court  
District Of Montana  
Missoula

CV 15-65-M-DLC

ORDER

TIDYMAN'S MANAGEMENT SERVICES, INC., a Washington corporation; LENORA DAVIS, BATEMAN, VICKI EARHART, CAROL HEALD, THERESA YOUNGQUIST, BARBARA GAUSTAD, SHARON YOUNG, DIANE MOLES, KYLE BAILEY, MARK RADEMAN, DREW OLSEN, CHADNEY SAWYER, THOMAS NAGRONE, DAN NAGRONE, DARRELL NACCARATO, PAT DAHMEN, JANELLE SELLS, TERRI ORTON, BILL EVANSON, TAMMY EVANSON, LARRY THOMPSON, JASON GUICE, JAMIE GUICE, LAURA SQUIBB, RICK BAILLIE, JEFFREY TUCKER, AMY TUCKER, MARYBETH WETSCH, LAURA STOCKTON, JERRY STREETER, CLARA KUHN, NANCY MacDONALD, TED NUXOLL, CINDY NUXOLL, and DEAN CARLSON, individuals,

Plaintiffs,

vs.

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA; and JOHN DOES 1-10,

Defendants.

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations on December 22, 2015, recommending granting Plaintiffs' motion for remand. The parties failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the Findings and Recommendations, the Court finds no clear error in Judge Lynch's conclusion that Plaintiffs' motion should be granted for lack of subject matter jurisdiction.

There being no clear error in Judge Lynch's Findings and Recommendations, IT IS ORDERED that:

- (1) Judge Lynch's Findings and Recommendations (Doc. 50) is ADOPTED IN FULL.
- (2) Plaintiffs' motion for remand (Doc. 16) is GRANTED.
- (3) This matter is REMANDED to the Montana Fourth Judicial District Court, Missoula County, for further proceedings.

Dated this 19<sup>th</sup> day of January, 2016.



Dana L. Christensen, Chief Judge  
United States District Court